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EXAMINER

GRAHAM, PAUL J

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,869	<b>Applicant(s)</b> AHMAD-TAYLOR, TY O.	
	<b>Examiner</b> PAUL GRAHAM	<b>Art Unit</b> 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 38-48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 38-48, 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/1/08 has been entered.

### ***Response to Arguments***

2. Applicant argues:

#### ***Claim 41 as claimed finds support in the instant specification.***

The Examiner respectfully disagrees. The claim 41 recites the simultaneous display of images from 2 episode titles. As pointed out in the applicant's remarks (p7, 12/1/08) fig. 4 shows a static image in 204. However, there is NO support for two displayed images in this figure nor in figure 3 as noted previously, therefore there is no support for the claim 41 limitation in the instant specification.

#### ***Claim 48 as claimed finds support in the instant specification.***

The Examiner respectfully disagrees. The claim 48 does not recite "with or without reliance on the PVR" and therefore the argument is moot. To note further, instant paragraph 23 (and the remainder of the instant application) is

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silent as to any negative limitation regarding PVR data and therefore the applicant's argument is unpersuasive. Leaving the claim 48 without support of the instant disclosure and in violation of 112.

*LaJoie does not disclose displaying episode titles and synopses for each episode available.*

The Examiner respectfully disagrees. In fact, each selected episode will display a title and synopsis. *Reading the claims in the broadest sense*, LaJoie does teach displaying episode titles and synopses (see LaJoie, figs. 16 and 18). Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988, F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Further, the applicant's argument fails to show any evidence to the contrary, the argument is merely conjecture. It is further noted that LaJoie does display title and synopsis for each episode (see LaJoie, col. 5, ll. 9-21).

*LaJoie does not teach at least one static image displayed.*

The Examiner respectfully disagrees. LaJoie does teach a static image displayed, the inset window contains a display of a channel and program recently selected, this display contains static images (at least one) as well as the current time and channel indicator (see LaJoie, col. 23, ll. 58-61).

With respect to the argument that the titles are not episodic series identifiers, as claimed the current rejection with LaJoie and Russ reads broadly on the claim.

With respect to the argument of Yogaratnam in rejection of claim 48, it is moot given the new grounds of rejection.

The applicant's arguments have been fully considered, but are not persuasive. In view of the amended claim language, a broad reading of LaJoie and Russ shows that the claims are met. As such all claims (claims 1-16 and 38-48, 50) stand rejected.

***Claim Rejections - 35 USC § 101***

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3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs, which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

4. Claim 42 (and its dependent claims) as amended is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 42 defines a computer readable medium, but goes on to recite a computer product. The computer product is not defined nor is the relationship between the computer product and computer readable medium established well enough to show a structural or functional relationship. The item computer product seems to be software per se, which is not inherently statutory.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 41, in the instant disclosure figures, windows 60 and 64, showing still images of data which MAY originate from media source does NOT show episode images and is not supported as such [31] notes that they may be series data (not episode data), with respect to fig. 4, [56] notes that window 220 “can be changed overtime to display other **series**—not episodes.

In claim 48, no personal video recorder listings is new matter and not supported in the instant application; in fact, [33] of the specification notes that recording functionality may be available and recorded material accessible, suggesting that PVR episode descriptions are possible within this system—that is counter to the newly added material teaching a “preventing” of PVR episode descriptions or “without displaying episode descriptions for episodes available

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from a personal video recorder". Claims 41 and 48 are in violation of 35 U.S.C. 112 for use of new matter and are rejected based on said violation.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-8, 10, 12-16, 38-40, and 42-47, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) and Russ et al. (US 2004/0060063 A1).

As to claim 46, LaJoie discloses a method of electronically displaying an on-demand listings guide, the method comprising (see LaJoie, figs. 1-4 and col. 2, ll. 1-7:

providing a user controllable interface that allows a user to browse through and select one of a plurality of available series titles (see LaJoie, fig. 20, guide is a user controllable interface to browse and select titles), and



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displaying episode descriptions for a plurality of episodes available on-demand for the selected series title, wherein the displayed episode descriptions each at least include a title and synopsis for the corresponding episode (see LaJoie, fig. 20, plurality of series titles-themes (general categories of programs as in instant spec [36]), each of the listed episode titles corresponding with an episode available on-demand for one of the series titles (see plurality of episode titles listed (particular programs as in instant spec [36] and corresponding to available on-demand for the series titles (see LaJoie, fig. 20, the guide shows what is available for viewing-as description denotes, ch, time, length, a synopsis),

The LaJoie reference is not clear on displaying episode information for those available on-demand for the series; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, "Barney" is displayed simultaneously with information for a plurality of episodes for "Barney" (if highlighted that episode of Barney will display info in top left of guide screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 47, LaJoie discloses the method of claim 46 further comprising limiting the displayed episode descriptions to episodes previously specified by a television service provider as being available for on-demand viewing (see LaJoie, fig. 20, the episodes displayed and *starred* are available for viewing from 4pm and the time of request was 4:19PM, therefore the episodes were previously specified by service provider as being available).

As to claim 50, LaJoie discloses the method of claim 46 further comprising displaying a preview image for a highlighted one of the episode titles, the preview image providing at least one static image from at least one scene of the episode (see LaJoie, fig. 20, displayed is a static image from scene is depicted for a highlighted episode title).

As to claim 1, LaJoie discloses a method for electronically displaying an on-demand listings guide, the method comprising (see LaJoie, figs. 1-4 and col. 2, ll. 1-7):

LaJoie does teach displaying a series title (the theme sports, as defined in the instant specification [0036], a general classification of programs) and a plurality of episode descriptions (All about drag racing, Budweiser golf classic descriptions of start time, channel, summary of an episode, as defined in the instant specification [0036], a particular program available) for episodes available

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on-demand for the series (these episodes are available on demand—as soon as the viewer selects said episode) (see LaJoie, fig. 20) and therefore LaJoie does implicitly teach displaying series and episode information simultaneously.

Certainly with this, LaJoie teaches displaying the series title and episode descriptions within. LaJoie also teaches displaying the episode descriptions without requiring prior user identification of the episodes available on –demand for the series (see LaJoie, fig. 20 shows a further description of the “CBS Sports Special” without the user identifying the episode, i.e., the episode was listed by the guide logic, the display of the description occurs with the entry to theme mode and fig. 28 shows a barker screen with episode descriptions for a video on demand). Russ teaches displaying an episodic series title and doing so within same screen as descriptions (see Russ, fig. 15 or 16).

The LaJoie reference is not clear on displaying episode information for those available on-demand for the series; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, “Barney” is displayed simultaneously with information for a plurality of episodes for “Barney” (if highlighted that episode of Barney will display info in top left of guide screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of

on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 3, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 wherein displaying the on-demand listings guide includes magnifying one of the plurality of displayed episodes in a window (see Russ, fig. 16, the highlighted episode is listed in the upper left window (in a font set apart from the others listed)).

As to claim 4, LaJoie and Russ (as combined in claim 1) disclose the method of claim 3 further comprising displaying in the window an episode title and an episode description for the selected episode (see Russ, fig. 16, "Barney" and desc. of record date / channel is the title while "Barney shows us how to play nice" is the episode description).

As to claim 5, LaJoie and Russ (as combined in claim 1) disclose the method of claim 3 further comprising displaying a number of actuatable buttons in the window, at least one of the buttons being a PREVIEW button to preview the selected episode (see Russ, fig. 16, there are buttons (a-c) on the bottom panel of the grid which may be activated and once an episode is highlighted it is Previewed in the "(video)" window.

Neither LaJoie nor Russ are clear on a button on their grids that reads "PREVIEW"; however, official notice is taken that it is well known in the art that a button by another name may lead to a preview of the video signal such that any

of the "browse by" buttons available on either grid will bring about a preview in the PIP window available in either browser (see LaJoie, fig. 21 or Russ, fig. 16).

As to claim 6, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein previewing the episode includes displaying the preview in the window (see LaJoie, fig. 21 or Russ, fig. 16).

As to claim 7, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein displaying the actuatable buttons includes at least displaying a GO TO SHOW button to order the selected episode (see LaJoie, fig. 12, pressing "B" buy will order the video event selected).

Neither LaJoie nor Russ explicitly teach a "GO TO SHOW" button for ordering; however, official notice is taken that it is well known in the art that a video event order button may read something other than "GO TO SHOW".

As to claim 8, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein displaying the actuatable buttons includes displaying an ADULT LOCK button to prevent ordering of the selected episode (see LaJoie, fig. 9 and 10 for a channel blocking feature that is a configurable setting (like a button)).

Neither LaJoie nor Russ teach a button that reads "ADULT LOCK" to prevent ordering (or viewing) of an episode (or channel); however, official notice is taken that it is well known in the art that the channel (episode)-blocking feature of a video listing does not have to take the form of a button that reads "ADULT LOCK".

As to claim 10, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 further comprising ordering a selected episode for viewing, and further displaying a control panel during viewing of the selected episode, the control panel having actuatable buttons for executing operations relating to the selected episode (see LaJoie, fig. 31, while viewing the video in the PIP window, a control panel at the bottom of the page allows the viewer to get a "summary" or "buy" the video).

As to claim 12, LaJoie and Russ (as combined in claim 1) disclose the method of claim 10 wherein displaying the control panel includes displaying a button to record the selected episode (see Russ, fig. 6 on the PVR IPG a "record options button ("b") is available in the control panel at the bottom of the screen for the recording (and its parameters) of a selected episode).

As to claim 13, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 further comprising providing navigation capability through the listings guide which includes scrolling the episode descriptions information into a fixed window to select the corresponding episode for on-demand viewing (see LaJoie, fig. 29, the barker channel is a fixed window with scrolling of episode descriptions info into the window for selecting the corresponding episode which is viewable on demand when selected and purchased).

As to claim 14, LaJoie and Russ (as combined in claim 1) disclose the method of claim 13 wherein scrolling includes scrolling in a first direction to change the displayed series and scrolling in a second direction to change the selected episode (see Russ, fig. 16, the directional arrows show where the grid may be scrolled and if scrolling vertically the series will change on a grid by channel, where scrolling scrolling horizontally will change the episode of that channel (which has been configured to include a single series) due to moving across time).

As to claim 15, LaJoie and Russ (as combined in claim 1) disclose the method of claim 13 wherein the episode descriptions are scrolled into the window without any re-loading or refreshing (see LaJoie, fig. 29, the barker channel is dedicated to listing those videos for selection so no refresh is necessary, as noted above (in claim 13) the listings contain episode descriptions information).

As to claim 16, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 wherein displaying the episode descriptions includes displaying an episode title adjoined to other episode information for ease of association (see LaJoie, fig. 29, the barker channel is is a fixed window with scrolling of episode descriptions info into the window for selecting the corresponding episode which is viewable on demand when selected and purchased, the listings contain episode descriptions information associated with title as the metadata display is adjoined in the on demand window, and see Russ, fig. 16 the upper left window in the grid shows episode association).

As to claim 38, LaJoie and Russ (as combined) disclose the method of claim 1 further comprising at least including a title and synopsis within each episode description ( see Russ, fig. 16, "Barney" and description of record date / channel is the title while "Barney shows us how to play nice" is synopsis, see LaJoie, fig. 20, episode title is "CBS Sports Special" and synopsis follows within description "College football's 1996 pre-Season match-ups").

As to claim 39, LaJoie and Russ (as combined) disclose the method of claim 1 further comprising streaming a selected one of the episodes over a VOD channel for on-demand viewing from a cable television VOD server (see LaJoie, col. 11, ll. 45-60, VOD (a service provided) is streamed by a media server and fig. 1).

As to claim 40, LaJoie and Russ (as combined) disclose the method of claim 1 further comprising displaying a preview image for a highlighted one of the episode titles, the preview image providing at least one static image from at least one scene of the episode (see LaJoie, fig. 20, displayed is a static image from scene is depicted for a highlighted episode title).

As to claim 42, LaJoie and Russ disclose the electronic programming guide (EPG) application configured to (see LaJoie, figs. 1-4 and col. 2, ll. 1-7), for use with a computer product, a computer-readable medium comprising executable



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instructions for executing an EPG on the computer product, the computer readable medium including instructions (see LaJoie, fig. 3 and col. 5, ll. 9-55) : process episodic series information received from a television service provider over a television network used to carry television signals (see LaJoie, col. 1, ll. 5-15, processing series (general classes of programs, as in instant spec [36]) info received from service provider,

the episodic series information listing a plurality of episodic series titles and a plurality of episode titles (see LaJoie, fig. 20, plurality of series titles-themes (general categories of programs as in instant spec [36]), each of the listed episode titles corresponding with an episode available on-demand for one of the episodic series titles (see plurality of episode titles listed (particular programs as in instant spec [36] and corresponding to available on-demand for the series titles (see LaJoie, fig. 20, the guide shows what is available for viewing-as description denotes, ch, time, length); Russ teaches displaying an episodic series title and doing so within same screen as descriptions (see Russ, fig. 15 or 16).

provide a user controllable interface that allows a user to browse through and select one of the series titles (see LaJoie, fig. 20, guide is a user controllable interface to browse and select titles), and

automatically display at least a plurality of episode titles for the user selected series title, wherein the displayed episode titles are limited to the episode titles

listed in the series information (see LaJoie, fig. 20, by default this list of programs shows up for this theme, col. 26, ll. 48-67);

LaJoie does teach displaying a series title (the theme sports, as defined in the instant specification [0036], a general classification of programs) and a plurality of episode descriptions (All about drag racing, Budweiser golf classic descriptions of start time, channel, summary of an episode, as defined in the instant specification [0036], a particular program available) for episodes available on-demand for the series (these episodes are available on demand—as soon as the viewer selects said episode) (see LaJoie, fig. 20) and therefore LaJoie does implicitly teach displaying series and episode information simultaneously. Certainly with this, LaJoie teaches displaying the series title and episode descriptions within. LaJoie also teaches displaying the episode descriptions without requiring prior user identification of the episodes available on –demand for the series (see LaJoie, fig. 20 shows a further description of the “CBS Sports Special” without the user identifying the episode, i.e., the episode was listed by the guide logic, the display of the description occurs with the entry to theme mode and fig. 28 shows a barker screen with episode descriptions for a video on demand).

The LaJoie reference is not clear on displaying episode information for those available on-demand for the series; however, Russ, who discloses a PVR IPG, does teach this (see Russ, fig. 16, the series, “Barney” is displayed simultaneously with information for a plurality of episodes for “Barney” (if

highlighted that episode of Barney will display info in top left of guide screen) and the episodes have been recorded and are selectable for on-demand viewing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the EPG method of LaJoie with the PVR listing system of Russ so that episodal information on a particular series of on-demand programming is made available to the viewer in a single interface (see Russ, [0019-0020]).

As to claim 43, LaJoie and Russ (as combined) disclose the application of claim 42 further configured to display the episodes titles without requiring the user to identify the episode titles in advance of being displayed see LaJoie, fig. 20 shows a further description of the "CBS Sports Special" without the user identifying the episode, i.e., the episode was listed by the guide logic, the display of the description occurs with the entry to theme mode and fig. 28 shows a barker screen with episode descriptions for a video on demand).

As to claim 44, LaJoie and Russ (as combined) disclose the application of claim 42 further configured to display an episode synopsis for each displayed episode title( see Russ, fig. 16, "Barney" and description of record date / channel is the title while "Barney shows us how to play nice" is synopsis).

As to claim 44, LaJoie and Russ (as combined) disclose the application of claim

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42 further configured to display an episode synopsis for each displayed episode title (see LaJoie, fig. 20, episode title is “CBS Sports Special” and synopsis follows within description “College football’s 1996 pre-Season match-ups”).

As to claim 45, LaJoie and Russ (as combined) disclose the application of claim 42 further configured to request configuration of a VOD channel used to provide on-demand viewing of a selected one of the episode titles (see LaJoie, col. 29, ll. 40-58, viewer requests an impulse purchased video be viewable on demand and it is made available).

8. Claims 2 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) and Russ et al. (US 2004/0060063 A1) in view of Potrebic et al. (US 2006/0294548 A1).

As to claim 2, LaJoie and Russ (as combined in claim 1) disclose the method of claim 1 further comprising simultaneously displaying a plurality of series, wherein each displayed series can be selected to display the plurality of episodes available on-demand for the selected series (see Russ, fig. 15,16 and [0024], any channel configured for only a given series will list only episodes of that series when recalled (as in fig. 16)),

LaJoie certainly teaches episodic series (see LaJoie, fig. 19/ 20) and Russ teaches listed episodes associated with only one episodic series (see Russ, fig. 15/ 16).

LaJoie and Russ are unclear on wherein each episode is associated with only one of the plurality of episodic series,

However, Potrebic, who discloses a TV program database, does teach an episode associated with only one of a plurality of episodic series (see Potrebic, fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of LaJoie and Russ with that of Potrebic so that the viewer may be presented with multiple episodes of choice for multiple series (see Potrebic, [61-63]).

As to claim 48, LaJoie discloses the method of claim 46 further, the LaJoie reference is unclear on displaying the episode descriptions without displaying episode descriptions for episodes available from a personal video recorder of the user;

However, Potrebic, who discloses a TV program database, does teach an episode description without displaying the episode description for the episodes available from a personal video recorder of the user (see Potrebic, fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of LaJoie and Russ with that of Potrebic so that the viewer may be presented with multiple episodes of choice for multiple series (see Potrebic, [61-63]).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) and Russ et al. (US 2004/0060063 A1) in further view of Boston (US 2004/0091236 A1).

As to claim 9, LaJoie and Russ (as combined in claim 1) disclose the method of claim 5 wherein displaying the actuatable buttons

The LaJoie and Russ references are unclear on displaying a RATE IT button to rate the selected episode; however, Boston, who discloses a configurable PVR system, does teach this (see Boston, [0047] and fig. 6 and 7, where the radio button "Rate current programming" allows a logged in user to rate the program and thumbs up/down indicator may be in conjunction with this).

LaJoie or Russ or Boston are unclear on a rating button that reads "RATE IT"; however, official notice is taken that it is well known in the art that the function of rating an episode may be triggered by something other than a button the reads "RATE IT".

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) and Russ et al. (US 2004/0060063 A1) in further view of DeWeese (US 2005/0262542 A1).

As to claim 11, LaJoie and Russ (as combined in claim 1) disclose the method of claim 10 wherein displaying the control panel

The LaJoie and Russ references are unclear on displaying a button to enter a chat related to the selected episode; however, DeWeese, who discloses

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a TV chat system, does teach this (see DeWeese [0076] and fig. 13 for a button to enter chat).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of LaJoie and Russ with the system of DeWeese so that a related chat option was made available to the viewer (see DeWeese, [0011]).

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US 5850218) and Russ et al. (US 2004/0060063 A1) in further view of Matthews, III (US 5 815 145).

As to claim 41, LaJoie and Russ (as combined) disclose the method of claim 1 further comprising simultaneously displaying preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode

The LaJoie and Russ references are not clear on simultaneously displaying preview images for at least two of the displayed episode titles;

however, Matthews, who discloses an interactive program guide, does teach simultaneously displaying preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode (see Matthews, col. 4, ll. 44-67, fig.

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4 shows multiple (at least 2) displayed preview images with programming identification (the id includes program titles, given corresponding time/channel data it represents a particular episode).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of LaJoie and Russ with the system of Matthews in order to allow visual indication of program content during viewer navigation (see Matthews, col. 4, l. 50-col. 5, l. 10).

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL J. GRAHAM whose telephone number is (571)270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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pjg

1/23/09

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2426